

## **§ 201.69**

respect to geographic area of seed production, age of stand or other factors affecting genetic purity.

(i) A sample of seed representative of the variety as marketed.

[38 FR 25662, Sept. 14, 1973. 60 FR 57146, Nov. 14, 1995]

## **§ 201.69 Classes of certified seed.**

(a) Classes of certified seed are as follows:

- (1) Breeder.
- (2) Foundation.
- (3) Registered.
- (4) Certified.

[38 FR 25662, Sept. 14, 1973]

## **§ 201.70 Limitations of generations for certified seed.**

The number of generations through which a variety may be multiplied shall be limited to that specified by the originating breeder or owner and shall not exceed two generations beyond the Foundation seed class with the following exceptions which may be made with the permission of the originating or sponsoring plant breeder, institution, or his designee:

(a) Recertification of the Certified class may be permitted when no Foundation seed is being maintained.

(b) The production of an additional generation of the Certified class may be permitted on a 1-year basis only, when an emergency is declared by any official seed certifying agency stating that the Foundation and Registered seed supplies are not adequate to plant the needed Certified acreage of the variety. The additional generation of Certified seed to meet the emergency need is ineligible for recertification.

[38 FR 25662, Sept. 14, 1973; 38 FR 26800, Sept. 26, 1973, as amended at 46 FR 53639, Oct. 29, 1981]

## **§ 201.71 Establishing the source of all classes of certified seed.**

The certifying agency shall have evidence of the class and source of seed used to plant each crop being considered for certification.

[38 FR 25662, Sept. 14, 1973]

## **7 CFR Ch. I (1-1-03 Edition)**

## **§ 201.72 Production of all classes of certified seed.**

(a) Each certifying agency shall determine that genetic purity and identity are maintained at all stages of certification including seeding, harvesting, processing, and labeling of the seed.

(b) The unit of certification shall be a clearly defined field or fields.

(c) One or more field inspections shall be made (1) previous to the time a seed crop of any class of certified seed is to be harvested, and (2) when genetic purity and identity can best be determined. The field shall be in suitable condition to permit an adequate inspection to determine genetic purity and identity.

(d) A certification sample shall be drawn in a manner approved by the certifying agency from each cleaned lot of seed eligible for certification. Evidence that any lot of seed has not been protected from contamination which might affect genetic purity, or is not properly identified, shall be cause for possible rejection of certification.

[38 FR 25662, Sept. 14, 1973]

## **§ 201.73 Processors and processing of all classes of certified seed.**

The following requirements must be met by processors of all classes of certified seed:

(a) Facilities shall be available to perform processing without introducing admixtures.

(b) Identity of the seed must be maintained at all times.

(c) Records of all operations relating to certification shall be complete and adequate to account for all incoming seed and final disposition of seed.

(d) Processors shall permit inspection by the certifying agency of all records pertaining to all classes of certified seed.

(e) Processors shall designate an individual who shall be responsible to the certifying agency for performing such duties as may be required by the certifying agency.

(f) Seed lots of the same variety and class may be blended and the class retained. If lots of different classes are blended, the lowest class shall be applied to the resultant blend. Such

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blending can only be done when authorized by the certifying agency.

[38 FR 25662, Sept. 14, 1973]

### § 201.74 Labeling of all classes of certified seed.

(a) All classes of certified seed when offered for sale shall have an official certification label affixed to each container clearly identifying the certifying agency, the lot number or other identification, the variety name (if certified as to variety), and the kind and class of seed. Except that for seed mixtures and seed in containers of 5 pounds or less, the certification labels need not bear the name of the kind or kind and variety of each component, provided the name of each kind or kind and variety is shown on the analysis label.

(b) In the case of seed sold in bulk, the invoice or accompanying document shall identify the certifying agency, the crop kind, variety (if certified as to variety), class of seed, and the lot number or other identification.

(c) The official certification label may be printed directly on the container when an accounting of the containers is required by the certifying agency.

(d) Labels other than those printed on the containers shall be attached to containers in a manner that prevents removal and reattachment without tampering being obvious.

[38 FR 25662, Sept. 14, 1973, as amended at 46 FR 53639, Oct. 29, 1981; 65 FR 1709, Jan. 11, 2000]

### § 201.75 Interagency certification.

Interagency certification may be accomplished by participation of more than one official certifying agency in performing the services required to certify a lot of seed.

(a) The certifying agency issuing labels for all classes of certified seed shall require the seed on which the labels are used to meet standards at least equal to the minimum genetic standards for the seed in question as specified in Table 5 of this part.

(b) Seed to be recognized for interagency certification must be received

in containers carrying official certification labels, or if shipped for processing, evidence of its eligibility from another official certifying agency, together with the following information:

(1) Variety (if certified as to variety) and kind;

(2) Quantity of seed (pounds or bushels);

(3) Class of certified seed;

(4) Inspection or lot number traceable to the previous certifying agency's records.

(c) Each label used in interagency certification shall be serially numbered or carry the certification identity number and clearly identify the certifying agencies involved, the variety (if certified as to variety), and the kind and class of seed. Except that for seed mixtures and seed in containers of 5 pounds or less, the certification labels need not bear the name of the kind or kind and variety of each component, provided the name of each kind or kind and variety is shown on the analysis label.

[38 FR 25662, Sept. 14, 1973; 38 FR 26800, Sept. 26, 1973, as amended at 65 FR 1710, Jan. 11, 2000]

### § 201.76 Minimum Land, Isolation, Field, and Seed Standards.

In the following Table 5 the figures in the "Land" column indicate the number of years that must elapse between the destruction of a stand of a kind and establishment of a stand of a specified class of a variety of the same kind. A certification agency may grant a variance in the land cropping history in specific circumstances where cultural practices have been proven adequate to maintain genetic purity. The figures in "Isolation" column indicate the distance in feet from any contaminating source. The figures in the "Field" column indicate the minimum number of plants or heads in which one plant or head of another variety is permitted. The figure in the "Seed" column indicate the maximum percentage of seed of other varieties or off-types permitted in the cleaned seed.